

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DR. GRAHAM SHEA, DDS,
Plaintiff

v.

**MANAGEMENT AND TRAINING
CORPORATION,**
Defendant

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Case No. 1:18-CV-00830-SH

ORDER

Pursuant to Rule 16 of the Local Court Rules of the United States District Court for the Western District of Texas (“Local Rules”), the parties were required to serve and file certain information at least 14 days before the August 26, 2021 final pretrial conference. Sixth Amended Scheduling Order, Dkt. 45. Defendant did so; Plaintiff did not. Therefore, the Court entered a Show Cause Order directing Plaintiff to explain why his case should not be dismissed for lack of prosecution. Dkt. 51.

On August 20, 2021, Plaintiff filed a response in which counsel stated that he had “misinterpreted the language of the Sixth Amended Scheduling [Order] pertaining to this deadline” and asked to be allowed to proceed to trial. Dkt. 52 at 1-2. Plaintiff also stated that his required pretrial filings would be made “concurrently with this response,” *id.* at 2, although they have not been made at the time of this writing.

Counsel’s “misinterpretation” appears to have arisen from the amendment of the Local Rules on June 24, 2021, after entry of the Sixth Amended Scheduling Order. Accordingly, Plaintiff is **hereby ORDERED** to serve and file all information required for nonjury trials pursuant to Local Rule 16(f) by **August 20, 2021**, as per counsel’s representation. Plaintiff’s counsel is further reminded of his responsibility to remain aware of, and to follow, all applicable rules of court.

Having shown cause for his failure to comply with Local Rule CV-16(f), Plaintiff's case will not be dismissed for lack of prosecution.

Accordingly, this case remains set for final pretrial conference at **10 a.m. on August 26, 2021** and bench trial at **9 a.m. on August 30, 2021**.

SIGNED on August 20, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE